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Address editorial communications to Dr. George H. Kress as per address above; advertising and business communications to Secretary-Treasurer, Dr. Frederick C. Warnshuis, also at above address.

EDITOR GEORGE H. KRESS

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BUSINESS MANAGER . FREDERICK C. WARNSHUIS

Advertising Representative for Northern California
L. J. FLYNN, 544 Market Street, San Francisco (DOuglas 0577)

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EDITORIALS†

A NEW LEGISLATIVE PROBLEM: POSSIBLE DANGER TO CALIFORNIA STATE MEDICAL PRACTICE ACT

California's Medical Law of 1876.—California's first Medical Practice Act came into existence on April 17, 1876, at an annual meeting of the Medical Society of the State of California, the State Legislature having, on April 3, 1876, enacted a law

providing for the appointment of medical examiners, who should be authorized to determine, in accordance with the provisions of the aforesaid enactment, what persons are duly qualified as practitioners of medicine and surgery.

In the two years which followed, a total of 1,026 regular physicians were duly licensed, and of these some 1,015 physicians became members of the Medical Society of the State of California.

* * *

Amended Laws of 1878: Three Examining Boards.—Grave doubts having arisen concerning the adequacy of the law of 1876, the Medical Society of the State of California (by which name the California Medical Association was formerly known) proposed to the Legislature certain amendments, and these having been enacted, became law on April 1, 1878. The Board of Examiners so created were representatives of the

Medical Society of the State of California, the Eclectic Medical Society of the State of California, and the California State Homeopathic Medical Society, corporations organized and existing under and by virtue of the laws of this State, and no other corporation, society, persons or person, shall appoint annually a Board of Examiners, consisting of seven members, who shall hold their office for one year, and until their successors shall be chosen.

Concerning that law the Supreme Court of the State of California, considering an appeal attacking the statute, stated as part of the opinion then handed down:

Our conclusion is that, by conferring the authority and imposing the duty of appointing boards of examiners on the three societies named in the Act, the Legislature did not exceed the limitation of its powers contained in the provision of the Constitution above quoted; and that it is unnecessary herein to express any opinion as to the power of the Legislature to require that the fees collected by the boards should be paid to the societies named, since—even if it be assumed that such portions of the law are unconstitutional—the remaining portions are stated independ-

† Editorials on subjects of scientific and clinical interest, contributed by members of the California Medical Association, are printed in the Editorial Comment column, which follows.